

1520.07 Arbitrations of Major Significance

Issued January 1, 1994

SUBJECT: Arbitrations of Major Significance.

APPLICATION: Executive Branch Departments and Sub-units.

PURPOSE: To provide a procedure for departments to seek an advocate to represent the department's interests in an arbitration or a Civil Service fourth step grievance hearing which is of major significance, or which may impact on other State departments.

CONTACT AGENCY: Department of Management and Budget (DMB) - Office of the State Employer (OSE).

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SUMMARY: This section specifies the procedure by which individual departments can seek assistance in presenting an arbitration case which is of major significance to the department, or which may impact on other State departments. Depending on the issues, complexity and degree of impact, it is possible to obtain assistance from the OSE while the department presents the case; have the OSE staff present the case; or obtain representation from the Department of the Attorney General.

APPLICABLE FORMS: None.

PROCEDURES:

Requesting Department:

- If the case arises out of a collective bargaining agreement, contacts the OSE contract administrator responsible for the labor agreement under which the grievance was filed.
- If the grievance was filed under Civil Service rules, contacts OSE and describes the rationale for requesting OSE assistance and indicates the level of assistance desired.

OSE:

- If the case arises out of a collective bargaining agreement:
 - Evaluates the merits of the case, and the complexity of issues involved.
 - Assesses the impact of the case on the State.
 - o If the case apparently could have a major impact on the requesting department, or on other departments:
 - Considers if Attorney General representation is warranted.
 - If contact with the Attorney General is deemed not to be needed, considers if the OSE should represent the department's interests in the case.
 - Advises the requesting department of its determination.
 - If the OSE is to represent the department, files an appearance letter with the department, union and arbitrator.
 - If contact with the Attorney General is deemed to be warranted, contacts the Attorney General in conjunction with the requesting department's representative.
- If the case arises within the Civil Service grievance procedure, but does not involve a collective bargaining agreement:
 - Evaluates the merits of the case and the complexity of the issues involved.
 - Assesses the impact of the case on the State.

- If the case apparently could have a major impact on the requesting department, or on other departments:
 - Considers if Attorney General representation is warranted. If so, contacts the Attorney General in conjunction with the requesting department's representative.
 - If not, determines if the OSE should represent the department's interests in the case.
 - Advises the requesting department of its determination.
- If the OSE is to represent the department:
 - Seeks concurrence of the Attorney General.
 - Files an appearance letter with the department, any limited recognition organizations (LROs) which may be involved, and the hearing officer.

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